

Officer History

Officer Name: Naus, Michael

Tax ID: 914387

Sex: M

Shield: 00875

Race: [REDACTED]

Rank: DT1

Command: 348

DOB: [REDACTED]

Appt Date: 08/30/1993

Age: [REDACTED]

Tenure: 27

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
9700728	02/28/1997	02/26/1997	Force - Push/Shove	[REDACTED]			101
9802029	05/04/1998	05/01/1998	Force - Slap	[REDACTED]			101
200106343	08/24/2001	08/23/2001	Force - Physical force	[REDACTED]			101
200200245	01/11/2002	01/01/2002	Force - Physical force	Unsubstantiated			101
	01/11/2002	01/01/2002	Abuse - Threat of arrest	[REDACTED]			101
	01/11/2002	01/01/2002	Discourtesy - Word	Unsubstantiated			101
	01/11/2002	01/01/2002	Abuse - Other	[REDACTED]			101
	01/11/2002	01/01/2002	Abuse - Strip-searched	Unsubstantiated			101
200908754	06/04/2009	05/24/2009	Force - Physical force	[REDACTED]			331
	06/04/2009	05/24/2009	Discourtesy - Word	Unsubstantiated			331
	06/04/2009	05/24/2009	Force - Hit against inanimate object	[REDACTED]			331
	06/04/2009	05/24/2009	Abuse - Threat of force (verbal or physical)	Unsubstantiated			331
200912456	08/13/2009	08/13/2009	Abuse - Threat to notify ACS	[REDACTED]d			331
	08/13/2009	08/13/2009	Abuse - Threat of arrest	[REDACTED]			331
	08/13/2009	08/13/2009	Discourtesy - Word	Unsubstantiated			331
201103417	03/17/2011	03/13/2011	Offensive Lang. - Race	Unsubstantiated			331
201303139	04/19/2013	04/19/2013	Abuse - Threat of arrest	[REDACTED]			331
201309811	10/18/2013	03/27/2013	Discourtesy - Word	Unsubstantiated			331
	10/18/2013	03/27/2013	Force - Physical force	Unsubstantiated			331
	10/18/2013	03/27/2013	OMN - Failure to prepare a memo book entry	Other Misconduct			331
Total Charges = 20				Total Cases = 9			

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Flannery Gallagher	Team: Team # 3	CCRB Case #: 201309811	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wed, 03/27/2013 5:30 AM	Location of Incident: [REDACTED] Seagirt Boulevard, Apt. 8C and Precinct stationhouse	Precinct: 101	S.O.L. Expires: 09/27/2014		
Date/Time CV Reported Mon, 10/14/2013 12:45 PM	CV Reported At: IAB	How CV Reported: Mail	Date/Time Received at CCRB Fri, 10/18/2013 2:24 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED] Napanoch NY 12458
2. [REDACTED]	Victim	[REDACTED] State School Road Albion NY 14411

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Michael Naus	00875	914387	101 DET
2. POF [REDACTED]	[REDACTED]	[REDACTED]	WARRSEC
3. SGT [REDACTED]	[REDACTED]	[REDACTED]	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A . SGT [REDACTED]	Abuse of Authority: Sgt. [REDACTED] entered and searched 711B Seagirt Avenue, Apartment 8C, in Queens.	A . Miscellaneous - Subject Retired
B . POF [REDACTED]	Abuse of Authority: PO [REDACTED] entered and searched 711B Seagirt Avenue, Apartment 8C, in Queens.	B . Unsubstantiated
C . DT2 Michael Naus	Force: At the 101st Precinct stationhouse, Det. Michael Naus used physical force against [REDACTED]	C . Unsubstantiated
D . DT2 Michael Naus	Discourtesy: At the 101st Precinct stationhouse, Det. Michael Naus spoke rudely to [REDACTED]	D . Unsubstantiated
E . DT2 Michael Naus	Other: Det. Michael Naus failed to prepare memo book entries as required.	E . Other Misconduct

Case Summary

On October 14, 2013, seven months after the incident date, [REDACTED] [REDACTED] filed this complaint via mail with the Internal Affairs Bureau, generating IAB log no. 2013-43921(encl. A-4 –A-5). This complaint was received at the CCRB on October 18, 2013.

On March 27, 2013, at approximately 5:30 a.m., Mr. [REDACTED] was arrested by Sgt. [REDACTED] and PO [REDACTED] [REDACTED] of the Queens Warrant Squad inside 711B Seagirt Avenue, Apartment 8C in Queens. The following allegations resulted from the officers' actions.

Allegation A- Abuse of Authority: Sgt. [REDACTED] [REDACTED] entered and searched 711B Seagirt Avenue, Apartment 8C, in Queens.

Because Sgt. [REDACTED] retired from the New York City Police Department on August 30, 2013, it is recommended that **Allegation A** be closed as **Miscellaneous – Subject Retired**.

Allegation B – Abuse of Authority: PO [REDACTED] [REDACTED] entered and searched 711B Seagirt Avenue, Apartment 8C, in Queens.

The investigation could not determine whether or not PO [REDACTED] entered or searched the apartment. Therefore, it is recommended that **Allegation B** be closed as **unsubstantiated**.

Allegation C- Force: Inside the 101st Precinct stationhouse, Det. Michael Naus used physical force against [REDACTED] [REDACTED]

Allegation D – Discourtesy: Inside the 101st Precinct stationhouse, Det. Michael Naus spoke rudely to [REDACTED] [REDACTED]

The investigation could not determine, by a preponderance of the evidence, whether or not Det. Naus used any physical force against Mr. [REDACTED] or whether he spoke rudely to Mr. [REDACTED] It is therefore recommended that **Allegations C and D** be closed as **unsubstantiated**.

Allegation E – Other: Det. Michael Naus failed prepare memo book entries as required.

Det. Naus did not document his interaction with Mr. [REDACTED] as required by NYPD Patrol Guide procedure 212-08. Therefore, it is recommended that he be cited for *other misconduct* for failing to do so.

Mediation was not presented in this case because Mr. [REDACTED] was a defendant in a criminal trial resulting from his arrest in this incident. Therefore, the complaint was not eligible for mediation.

Results of Investigation

Civilian Statement:

Complainant/Victim: [REDACTED] [REDACTED]

Mr. [REDACTED] is a black man who was 24 years old at the time of the incident. He is 5'8" tall, weighs, 200 pounds, and has black hair and [REDACTED] eyes. At the time of his interview, he was incarcerated at Anna M. Kross Center (AMKC), Rikers Island. Since the time of his interview, he has been transferred to New York State's Ulster Correctional Facility.

CCRB Testimony

Mr. [REDACTED] was interviewed at AMKC on November 1, 2013 (encl. B-1-B-4). The allegations Mr. [REDACTED] stated occurred at the 101st Precinct stationhouse were consistent throughout his initial complaint (encl. A-4-A-5) and CCRB interview. At the time of his interview, he added allegations that took place at 711B Seagirt Avenue, Apartment 8C in Queens before he was taken to the stationhouse.

At around 5:30 a.m. on March 27, 2013, officers entered the apartment, identified by the investigation as 711B Seagirt Avenue, Apartment 8C in Queens, where Mr. [REDACTED] was spending the night. The apartment, a studio, belongs to [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] were the only two people in the apartment at the time, and neither let the officers into the apartment. Mr. [REDACTED] does not know how the officers gained entry to the apartment, but he believes they ripped the peephole unit off of the front door. Around four officers entered the apartment and told Mr. [REDACTED] to get dressed. Mr. [REDACTED] repeatedly asked all the officers what kind of warrant they had, but the officers always responded that they did not have that information. Ms. [REDACTED] asked the officers, "Why are you searching my house? Do you have a search warrant?" Two male officers opened and searched the floor-to-ceiling closets in the hallway. Officers also lifted up the mattress, moved the bed to the side and also entered the kitchen and bathroom. Mr. [REDACTED] could not provide descriptions of the officers, but he knows they were all in plainclothes, and he believes there were three males and one female, identified by the investigation as PO [REDACTED] [REDACTED]. The officers did not recover anything from the apartment. Mr. [REDACTED] was handcuffed, and both he and Ms. [REDACTED] were transported to the 101st Precinct stationhouse in separate unmarked vans.

At the stationhouse, shortly after he arrived, Mr. [REDACTED] remained handcuffed and was sitting in an interrogation room on the second floor. An officer, identified by the investigation as Det. Michael Naus of the 101st Precinct Detective Squad entered the room, and Mr. [REDACTED] asked the officer why he had been arrested. Det. Naus responded by smacking Mr. [REDACTED] in the back of the head with an open palm and saying, "You know what you did, motherfucker." Mr. [REDACTED] did not sustain any injuries from this use of force. Mr. [REDACTED] did not remember seeing any other officers in the vicinity of the interrogation room, which had a closed door and two-way mirror. Det. Naus seemed frustrated and was using a rude tone. Mr. [REDACTED] said that he did not use any profanity and was speaking in a calm, conversational tone. Then Mr. [REDACTED] repeatedly asked to call his attorney, but Det. Naus did not allow him to do so for several hours. When Mr. [REDACTED] was allowed to call his attorney, he was told that his attorney's investigator would need thirty to forty minutes to get to the stationhouse. Mr. [REDACTED] attorney then spoke to Det. Naus and relayed the same message.

Attempts to Contact [REDACTED] [REDACTED]

- Mr. [REDACTED] identified [REDACTED] [REDACTED] as the other individual who was arrested with him on the date of the incident. Ms. [REDACTED] was also incarcerated at Rikers Island throughout the course of this investigation. On November 25, 2013, Matthew Thomas, Ms. [REDACTED] lawyer, informed the undersigned investigator that Ms. [REDACTED] would not be participating in this complaint due to her ongoing criminal trial. As a result, the investigator did not make further attempts to interview Ms. [REDACTED]

NYPD Statements:

Subject Officer: PO [REDACTED] [REDACTED]

- *PO [REDACTED] is a white female who was 38 years old at the time of the incident. She is 5'9" tall, weighs 130 pounds, and has [REDACTED] hair and [REDACTED] eyes.*
- *On the date of the incident, she was assigned to Queens Warrant Squad from 4:15 a.m. to 2:00 p.m. She was dressed in casual plainclothes, was partnered with Sgt. [REDACTED] and was assigned to van no. 18216.*

Memo Book Entry

On the date of the incident, PO [REDACTED] memo book (encl. C-6-C-9) states verbatim, “5:55 a.m. – En route to 711 Seagirt Boulevard 8C for I2013008418 in 1826 with Sgt. [REDACTED] negative results. 6:40 a.m. arrived at the location. 7:55 a.m. – Two under. En route to 101 Precinct Detective Unit. 8:05 a.m. Arrived at 101st Precinct stationhouse.” 9:00 a.m. – Resumed patrol.”

CCRB Testimony

PO [REDACTED] was interviewed at the CCRB on April 25, 2014 (encl. C-5-C-10). Her testimony is summarized below.

On March 27, 2014, at approximately 6:40 a.m., PO [REDACTED] went to 711 Seagirt Boulevard, Apartment 8C, in Queens with Sgt. [REDACTED] to apprehend two subjects for an I-card investigation. The I-card had been issued by the 101st Precinct Detective Squad. The officers arrested two individuals and transported them to the 101st Precinct Detective Squad. PO [REDACTED] had no independent recollection of this incident at all.

The undersigned presented PO [REDACTED] with photographs of [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. PO [REDACTED] recognized the individuals but could not specify the context in which she knew them. The investigator also presented PO [REDACTED] with a Google Maps image of the location. Again, PO [REDACTED] was familiar with the location, but it did not further prompt her memory of this incident. This case was initially assigned to PO [REDACTED] partner, PO John Sanna, but he was not working on the day of the incident. The undersigned presented PO [REDACTED] with I-Card no. I2013008418, DD-5s that she prepared, and the relevant criminal complaint. None of these documents aided PO [REDACTED] memory of the incident.

PO [REDACTED] did not recall if additional officers were involved in the apprehension of the two individuals and did not remember if the officers had additional warrants of any kind for the arrest of either individual. PO [REDACTED] did not recall any further information that was provided to her by officers from the 101st Precinct Detective Squad or any additional information that she gathered as part of her investigation. PO [REDACTED] did not recall being given any specific directives by members of the 101st Precinct Detective Squad.

PO [REDACTED] could not recall being in the apartment or gaining entry to the apartment. She knows that they did not forcibly enter. She did not remember who was present in the apartment, the layout of the apartment, or whether they had any difficulty in apprehending the individuals inside. PO [REDACTED] could not recall the actions she took inside the apartment or searching inside the apartment, including in the kitchen, bathroom, any closets or under the mattress. She did not remember recovering anything from the apartment and could not describe the demeanors of the civilians inside. PO [REDACTED] could not recall if any civilians asked her or any other officer to see a warrant.

PO [REDACTED] could not recall if any officers from the 101st Precinct Detective Squad were present for the apprehension of the civilians. She did not recall interacting with any officers from the 101st Detective Squad when she delivered the arrestees to the stationhouse, but assumed she interacted with some. After leaving the 101st Precinct stationhouse at 9:00 a.m., she did not return there at all throughout the rest of the day.

PO [REDACTED] purpose of being at the 711B Seagirt Avenue, Apartment 8C was investigating the I-cards that had been issued. During the interview, the investigator determined that she had only received one I-card, when in fact there were two relevant I-cards. PO [REDACTED] described her function in this particular investigation as that of a “taxi service,” in which she transports civilians after telling them there’s an investigation, and the detective squad processes any ensuing arrests. In the event, that officers cannot locate the subjects of the I-cards, according to protocol, they would speak with neighbors and interview people in the area. They

may not take these steps initially, however, due to concern that the subjects might flee after learning they are under investigation. PO [REDACTED] usually keeps a copy of the I-card with her in her RMP. The officers usually have one copy with them, and the sergeant does not have one. Sometimes, PO [REDACTED] brings a copy of the I-card with her into the location, and sometimes she leaves it in the RMP. On this particular date, she could not remember where the I-card was. According to PO [REDACTED] an I-card does not permit officers to forcibly enter a location or to enter without consent.

Subject Officer: DET. MICHAEL NAUS

- *Det. Naus, a white man, was 42 years old at the time of the incident. He is 5'10" tall, weighs 210 pounds, and has [REDACTED] hair and hazel eyes.*
- *On the date of the incident, he was working alone as an investigator in the 101st Precinct Detective Squad from 1:45 p.m. to 10 p.m. He was dressed in plainclothes.*

Arrest Reports

Det. Naus prepared the criminal complaint and arrest reports (encl. D-2-D-11, D-17-D-24) for Mr. [REDACTED] and Ms. [REDACTED]. Ms. [REDACTED] only arrest report (number Q13618068N) and Mr. [REDACTED] first arrest report (number Q13618061Q) both state, "Defendant and two apprehended others did force their way into complainant's apartment and beat him about the head with a cane and a pipe and did also stab him in the leg with a knife causing injury and removed his cellphone before fleeing." Mr. [REDACTED] and Ms. [REDACTED] were both charged with robbery, burglary, assault, and criminal possession of a weapon. Mr. [REDACTED] second arrest report (number Q13618056K) states, "Complainant states defendant did climb the fire escape of her apartment and break the window to gain entry. Once inside he did punch her in the face with a closed fist causing injury." Mr. [REDACTED] was charged with burglary, assault, and criminal mischief from that incident.

Memo Book Entry

Det. Naus did not have his memo book at the time of the interview. Upon receipt of his memo book (encl. C-2-C-3), it appears that Det. Naus did not have any related memo book entries.

CCRB Testimony

Det. Naus was interviewed at the CCRB on March 4, 2014 (encl. C-1-C-4). His testimony is summarized below.

On March 27, 2013, Det. Naus received a call at home notifying him that Queens Warrant Squad had arrested [REDACTED] [REDACTED] and Mr. [REDACTED] girlfriend, identified by the investigation as [REDACTED] [REDACTED] earlier that day. Det. Naus had issued I-cards for both individuals, as they were suspects in a robbery. Det. Naus had issued two I-cards for Mr. [REDACTED]. A third accomplice in that robbery had been arrested on March 26, 2013. Det. Naus was not present for Mr. [REDACTED] arrest. Det. Naus reported to the 101st Precinct stationhouse at 1:45 p.m.

Det. Naus first interacted with Mr. [REDACTED] in an interview room in the 101st Precinct's Detective Squad area. When Det. Naus entered the room, Mr. [REDACTED] asked him what he had been arrested for. Det. Naus explained that he had been identified as the perpetrator in a robbery.

No one else was in the interview room with Det. Naus and Mr. [REDACTED]. Det. Naus explained that Mr. [REDACTED] would have to sit for a line-up, and then he would be transported to Queens Central Booking. Det. Naus did not make any physical contact with Mr. [REDACTED] and did not slap him in the back of the head. Det. Naus did not use any profanity when talking to Mr. [REDACTED] and he did not say, "You know what you did, motherfucker," when Mr. [REDACTED] asked why he had been arrested. Though Det. Naus could not specifically describe Mr. [REDACTED] demeanor, he was "not irate."

No other officers interviewed Mr. [REDACTED] at the stationhouse. No other officers explained to Mr. [REDACTED] why he had been arrested. Det. Naus did not receive any information from the Queens Warrant Squad officers who arrested Mr. [REDACTED]. They had left the stationhouse by the time he arrived. Det. Naus did not know which officers arrested Mr. [REDACTED].

Subject Officer: SGT. [REDACTED]

- Sgt. [REDACTED] retired from the New York City Police Department on August 30, 2013, as confirmed by the Monitoring and Analysis Section (encl.H-14). As a result, the investigator was not able to obtain a memo book entry or statement from him.

NYPD Documents

Event Index – March 27, 2013

None of the events shown on the event index (encl. D-13-D-16) from the 101st Precinct between midnight on March 26, 2013 to 7:00 a.m. on March 27, 2013 appear to correspond with this incident.

I-Card No. I2013008418

I-Card No. I2013008418 (encl. D-25-D-26) was submitted by Det. Naus on March 26, 2013. It was initially assigned to Sgt. John Cimino, who has since retired from the NYPD (encl.). The I-Card indicates that there is probable cause to arrest [REDACTED] [REDACTED] in regards to Complaint no. 201301120. The I-Card lists Ms. [REDACTED] address as 711B Seagirt Avenue, Apartment 8C, Queens, New York. Ms. [REDACTED] was arrested, which was approved by Sgt. [REDACTED] [REDACTED].

DD-5s from Queens Warrant Section

The DD5s prepared by PO [REDACTED] for I-Cards no. I2013008417 and I2013008417 (encl. D-27-D-38) note, "On March 26, 2014, at approximately 1430 hours the undersigned did confer with Det. Russo of the 101 PDU who requested the assistance in the apprehension of subject [REDACTED] [REDACTED] (NYSID #05226349L) and subject [REDACTED] [REDACTED] (NYSID #10793266P). Both subjects are wanted for a home invasion robbery that occurred on 3/26/14.)

The DD5s for both I-Cards also indicate that PO [REDACTED] performed computer checks in regards to the investigation at 4:30 a.m. on March 27, 2013. They also reveal that, "On March 27, 2013, at approximately 7:55 a.m. the undersigned did visit 711B Seagirt Avenue, Apartment 8C where the subject was apprehended without incident. Sgt. [REDACTED] (QWS) on scene. Subject was debriefed about 7 major crimes in the confines of the 101st Precinct with negative results. Debriefing log no. 703. Subject was taken to the 101st Precinct for arrest processing by PDU."

Queens Warrant Squad Roll Call

The Queens Warrant Squad Roll Call from March 27, 2013 (encl. D-39-D-47) indicates that PO [REDACTED] worked from 4:10 a.m. to 2:00 p.m. on the date of the incident as a member of Sgt. [REDACTED] team.

Summons/Arrest for Incident and Disposition

- On February 4, 2014, Mr. [REDACTED] pled guilty to burglary in the first degree and was sentenced to five years in prison (encl. E-20-E-24).
- On February 4, 2014, Ms. [REDACTED] pled guilty to assault in the second degree and was sentenced to three years in prison (encl. E-35-E-36).

Status of Civil Proceedings

- Mr. [REDACTED] has not filed a Notice of Claim with the City of New York as of February 12, 2014 with regard to the incident, which is nearly eleven months past the filing deadline (encl.G-1).
- The investigator sent the New York City Comptroller's Office a request for information regarding any Notice of Claim filed by Ms. [REDACTED]. The case file will be updated upon receipt of that information.

Civilian Criminal History

- As of May 23, 2014, Office of Court Administration records reveal the following criminal convictions for Mr. [REDACTED] (encl. E-1-E-24).
 - On October 10, 2010, Mr. [REDACTED] pled guilty to disorderly conduct and was sentenced to time served.
 - On February 7, 2014, Mr. [REDACTED] pled guilty to disorderly conducted and was sentenced to five days of community service.
 - On February 4, 2014, Mr. [REDACTED] pled guilty to burglary in the first degree and was sentenced to five years in prison.
- As of May 23, 2014, Office of Court Administration records reveal the following criminal convictions for Ms. [REDACTED] (encl. E-25-E-36).
 - On May 10, 2012, Ms. [REDACTED] pled guilty to disorderly conduct and was sentenced to time served.
 - On February 4, 2014, Ms. [REDACTED] pled guilty to assault in the second degree and was sentenced to three years in prison.
 - On March 3, 2014, Ms. [REDACTED] was resentenced for violating her probation. Her new sentence is one to three years imprisonment, while the original sentence had been an order of protection for eight years and probation for five years. She is to serve this new sentence concurrently with the one she received on February 4, 2014.

Civilian CCRB History

- This is the first CCRB complaint filed by Mr. [REDACTED] (encl. A-7).
- This is the first CCRB complaint associated with Ms. [REDACTED] (encl. A-8).

Subject Officers' CCRB History

- Sgt. [REDACTED] CCRB history was not accessible because he has retired from the NYPD.
- PO [REDACTED] has been a member of the service for, and there are no substantiated CCRB allegations against her (encl.A-4).
- Det. Naus has been a member of the service for twenty years, and there are no substantiated CCRB allegations against him (encl. A-5-A-6).

Conclusion

Page 7

CCRB Case # 201309811

Identification of Subject Officers

Though the investigation did not identify all of the police officers present at 711B Seagirt Avenue, PO [REDACTED] confirmed that she was present at the location on the time and date of the incident. As a result, Allegation A is being plead against her. The investigation determined that Sgt. [REDACTED] was the supervisor on the scene for Mr. [REDACTED] arrest at the location. As a result, Allegation B is being plead against him.

Det. Naus' description of his interaction closely matches Mr. [REDACTED] narrative of the conversation he had with the officer he alleged slapped him and cursed at him. Det. Naus confirmed that no other officers in the stationhouse interviewed Mr. [REDACTED] or explained to him why he had been arrested. Finally, Det. Naus' physical appearance is consistent with Mr. [REDACTED] limited description of the officer's physical characteristics. As a result, Allegations C, D, and E are being pled against Det. Naus.

Investigative Findings and Recommendations

Allegation A- Abuse of Authority: Sgt. [REDACTED] [REDACTED] entered and searched 711B Seagirt Avenue, Apartment 8C, in Queens.

Mr. [REDACTED] alleged that officers entered and searched 711B Seagirt Avenue, Apartment 8C, in Queens. PO [REDACTED] confirmed that Sgt. [REDACTED] [REDACTED] was the supervisor on scene for Mr. [REDACTED] arrest at the location. Because Sgt. [REDACTED] is retired from the NYPD, the CCRB was unable to interview him. Consequently, it is recommended that **Allegation A** be closed as **Miscellaneous – Subject Retired**.

Allegation B – Abuse of Authority: PO [REDACTED] [REDACTED] entered and searched 711B Seagirt Avenue, Apartment 8C, in Queens.

Mr. [REDACTED] alleged that PO [REDACTED] forcibly entered 711B Seagirt Avenue, Apartment 8C, in Queens and searched the apartment. PO [REDACTED] could not remember any details of this incident. Given her assignment and the length of time since the incident, it is reasonable to believe that PO [REDACTED] does not recall this incident. There is no additional information that places officers physically inside of the apartment or describing their entry or scope of the search.

Because there is no other independent evidence to corroborate Mr. [REDACTED] allegation and PO [REDACTED] has no recollection of this incident, it is recommended that **Allegation B** be closed as **unsubstantiated**.

Allegation C- Force: Inside the 101st Precinct stationhouse, Det. Michael Naus used physical force against [REDACTED] [REDACTED]

Allegation D – Discourtesy: Inside the 101st Precinct stationhouse, Det. Michael Naus spoke rudely to [REDACTED] [REDACTED]

Mr. [REDACTED] alleged that Det. Naus used physical force against him; specifically, he alleged that Det. Naus slapped him in the back of the head immediately after he entered the interview room. Det. Naus maintained that he did not slap Mr. [REDACTED] at any point in his interaction with him. In addition, Mr. [REDACTED] alleged that Det. Naus used profanity when speaking to him; specifically he alleged that Det. Naus said, "You know what you did, motherfucker." While Det. Naus' description of the content of his conversation is very consistent with Mr. [REDACTED] account, he denied using any profanity or saying, "You know what you did, motherfucker."

Because there is no other independent evidence to corroborate Mr. [REDACTED] or Det. Naus' accounts, it is recommended that **Allegations C and D** be closed as **unsubstantiated**.

Allegation E – Other: Det. Michael Naus failed prepare memo book entries as required.

Det. Naus did not document his interaction with Mr. [REDACTED] as required by NYPD Patrol Guide procedure 212-08 (encl. A-1-A-3). Furthermore, there is no evidence that Det. Naus notated his interaction with Mr. [REDACTED] in any other NYPD paperwork or documents. Therefore, it is recommended that he be cited for *other misconduct* for failing to do so.

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date